



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Administration TITLE-SERIES: 148-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 148-06 Parking

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §5A-10-3a(c)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

West Virginia Code §5A-10-3a(c) requires the Secretary of Administration to promulgate rules regarding the regulation of parking at the Capitol Complex.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS:

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule provides guidance and flexibility for the Parking Section of the Real Estate Division when overseeing the parking of motor vehicles at the Capitol Complex.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

West Virginia Code §5A-10-3a(c) requires the Secretary of Administration to promulgate rules regarding the regulation of parking at the Capitol Complex. Extending the sunset date for this rule allows the Department to remain in compliance.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This rule has no fiscal impact.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Misty Peal -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 148
LEGISLATIVE RULE
DEPARTMENT OF ADMINISTRATION**

**SERIES 6
PARKING**

§148-6-1. General.

1.1. Scope. - This legislative rule provides for the regulation of parking of motor vehicles by the Secretary of the Department of Administration on property owned or leased by the State of West Virginia, or any of its agencies, in the City of Charleston, Kanawha County, West Virginia, including penalties.

1.2. Authority. – W.Va. Code §5A-4-5.

1.3. Filing Date. – ~~March 1, 2018.~~

1.4. Effective Date. – ~~March 1, 2018.~~

1.5. Sunset provision. – This rule shall terminate and have no further force or effect on ~~March 1, 2023~~ August 1, 2032.

§148-6-2. Parking Areas.

2.1. General. Parking on property owned by the State of West Virginia in the City of Charleston, Kanawha County, West Virginia, is subject to this rule and includes but is not limited to:

2.1.a. The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

2.1.b. The west side of California Avenue between Kanawha Boulevard and Washington Street, East;

2.1.c. State-owned or leased grounds upon which state office buildings are located.

2.1.d. Any other property now or subsequently owned or leased by the State or any of its agencies and used for parking purposes in conjunction with the state capitol or any state office buildings.

2.2. The Secretary of Administration may also designate any area as a parking or no parking area, and designate the type and scheme of parking to be used, as he or she determines for the conduct of business at the capitol or any state office buildings in the City of Charleston on a daily basis or for special occasions, as they may arise, except as provided in Subsection 2.3 of this rule or joint policy of the Speaker of the House of Delegates and President of the Senate.

2.3. Legislative Sessions. During session of the Legislature, including regular, extended, extraordinary, interim sessions, or any other times designated by the Speaker of the House of Delegates and/or the President of the Senate, parking in the following areas is designated for legislators and employees of the Legislature and subject to a joint policy of the Speaker of the House of Delegates and president of the Senate, and shall be managed and controlled by the Legislature:

2.3.a. The east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East;

2.3.b. The Culture Center parking lot;

2.3.c. The north side of Kanawha Boulevard between Greenbrier Street and California Avenue; and

2.3.d. The west side of California Avenue between Kanawha Boulevard and Washington Street, East, and except as otherwise reserved by the Department of Administration, the lot on the east side of California Avenue between Kanawha Boulevard and Quarrier Street, East;

2.3.e. Any other areas designated by a joint policy of the Speaker of the House of Delegates and the President of the Senate.

§148-6-3. Personnel.

3.1. The Secretary, Speaker of the House of Delegates and/or the President of the Senate may employ such persons necessary to enforce this parking rule. The persons employed by the Secretary, Speaker of the House of Delegates and/or the President of the Senate may have authority to direct traffic and issue tickets in violation of this rule, as well as any other authority determined by the Secretary, or the Speaker of the House of Delegates and the President of the Senate.

§148-6-4. Metered Parking.

4.1. The Secretary may install metered parking in any areas designated for parking he or she considers prudent to permit convenient parking spaces for visitors to the State Capitol or any state office buildings in the City of Charleston. The amount to be charged for parking at meters shall be 50 cents per hour.

§148-6-5. Parking.

5.1. Parking may be provided, at the discretion of the Secretary, to state spending units. The spending unit shall provide for parking in accordance with the parking allocation policies of the spending unit, subject to this rule. The fee to park shall be \$20 per month. Payment by the employees shall be made through payroll deduction, unless otherwise authorized by the Secretary. The Secretary may charge a reasonable fee to replace a parking tag or access card issued to a public officer or employee.

5.2. For locations outside the Capitol Complex, the spending units shall provide for parking in accordance with the parking allocation policies of the spending unit subject to this rule and the fee to park shall be the same as the fees for employees who park on the Capitol Complex Campus unless the facility consists of all free, public access parking (i.e., shopping centers or other facilities approved by the Secretary) or unless they have a contractual obligation in which case the Secretary of Administration may set a different fee.

§148-6-6. Violations.

6.1. General. The owner of any motor vehicle parking in violation of this rule is subject to the penalty specified in Section 7 of this rule and is responsible for the payment of any fines, penalties or costs assessed, regardless of whether the owner was operating the motor vehicle at the time of the violation. The Secretary may waive the violation and assessed fines, penalties and costs, in his or her discretion. Further the Secretary may authorize the removal, immobilization, or any other remedy considered necessary, at owner expense, of any motor vehicle parked in violation of this rule. For the purpose of this subdivision, a motor vehicle parked in violation of this rule shall include a motor vehicle owned by a person who owes more than 10 unpaid violations and is parked on property described in subsection 2.1 of this rule. The Secretary may also authorize the revocation of a state issued parking space of a vehicle whose owner owes more than 10 unpaid violations.

6.2. Metered Parking. The owner of a motor vehicle parked at metered parking with elapsed time during the hours of 8:00 a.m. through 5:00 p.m. Monday through Friday, except holidays, is subject to overtime parking fine(s) in accordance with Section 7 of this rule or other hours as the Secretary considers appropriate. In no event may a singular vehicle at a single parking meter be ticketed more than four times in one working day.

6.3. Designated Area Parking. The owner of a motor vehicle parked at any time in an area designated accessible parking, legislative parking, or reserved parking is subject to parking fine(s) in accordance with Section 7 of this rule.

6.4. Parking in Travel Lanes. The owner of a motor vehicle parking in a travel lane is subject to a parking in a travel lane fine in accordance with Section 7 of this rule.

6.5. Other violations. The owner of a motor vehicle parking in a space that has not been assigned for purpose of parking that vehicle is subject to an improper parking fine in accordance with Section 7 of this rule.

§148-6-7. Penalties.

7.1. Fines. A person who violates this rule is subject to the following fines:

7.1.a. Accessible Area	\$100.00
7.1.b. Legislative Parking Area	10.00

7.1.c. Reserved Parking Area	10.00
7.1.d. Parking in a Travel Lane	10.00
7.1.e. Overtime Parking	5.00
7.1.f. No Parking Area	10.00
7.1.g. Improper Parking	10.00
7.1.h. Other Violations	10.00

7.2. Payment. Payment of fines is required within 10 days of the time the ticket was issued to either the ticket receipt boxes provided by the Department of Administration or to the address printed on the ticket. Fines not paid within 10 days are subject to double additional fines not to exceed \$20 each. A summons may be issued for tickets not paid within 14 days.

7.3. Jurisdiction. Magistrates in Kanawha County, West Virginia have jurisdiction of violations and offenses of this rule.

7.4. Exceptions. The Secretary may grant necessary exceptions to this rule. The Speaker of the House of Delegates and the President of the Senate may grant an exception to a joint policy established pursuant to the provisions of W.Va. Code §5A-4-5(b).